

Application Serial No. 10/541,014
Reply to office action of June 12, 2008

PATENT
Docket: CU-4290

REMARKS/ARGUMENTS

Reconsideration is respectfully requested.

Claims 1-4 are pending before this amendment. By the present amendment, no claims are cancelled or added, and no claims are amended as no amendment is deemed necessary for the reasons below.

In the office action (page 2) the examiner objects to the drawing for not containing the following reference sign mention in the description: 30.

After a careful review of the specification, the applicant can find no mention of any reference numeral 30. Moreover, all reference numerals mentioned in the specification are depicted in the drawings. For this reason, the applicants respectfully submit that the objection to the drawing is improper and respectfully request withdrawal of the objection.

Claim 1 stands rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 6,098,197 (Hetzel). The "et al." suffix is omitted in a reference name.

The applicants respectfully disagree.

The present invention specifically recites:

--molding a liner, which has an inner space and an opening at its lower portion in order to allow a user's head to be put into the safety helmet, **using a thermoplastic resin--**

and

--injecting a thermosetting resin **between the liner and the molding side** and hardening the thermosetting resin--

Thus, the liner is **molded and has an inner space**. Thus, the only layer which could possibly correspond to the thermoplastic resin in Hetzel is the inner liner 20.

Application Serial No. 10/541,014
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PATENT
Docket: CU-4290

However, this inner liner 20 of Hetzel is formed of leather and not a thermoplastic resin.

Moreover, the applicants claim **molding** a liner and **injecting** a thermosetting resin between the liner and the molding side. This can in no way be construed simply as some of the liner injecting itself between the inner liner and the mold and intermingling with the fibers during molding. The applicants respectfully disagree with this characterization.

The present invention specifically claims molding a liner and injecting a thermosetting resin between the liner and the mold. Thus these are two separate steps and two separate elements (i.e. a liner made of thermoplastic resin and a thermosetting resin injected between the liner and the molding). The applicants respectfully submit that the examiner's reading of the claims is improper, i.e., the examiner is not giving the claims their broadest reasonable interpretation, the examiner has instead added different elements that are not the same as those recited in the claims.

Molding a liner and a separate step of **injecting** a thermosetting resin, cannot be construed as a portion of liquid thermoset resin intermingling with layer 16 of Hetzel **while the liquid thermoset is being molded** (in Hetzel, the resin material is cured **during molding** thus it cannot be said that Hetzel teaches --molding a liner-- and --injecting a thermosetting resin-- between a molded liner and another layer, which are claimed as two separate elements in claim 1).

Thus, the inner liner 20 of Hetzel is made of leather and not a thermoplastic resin, and the thermoset resin of Hetzel cannot teach both the steps of --molding a liner-- and --injecting a thermosetting resin--. Accordingly the applicants respectfully submit that Hetzel does not teach the present invention, and an indication of allowable subject

Application Serial No. 10/541,014
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Docket: CU-4290

matter with respect to claim 1 is respectfully requested.

Claims 2-4 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Hetzel. The "et al." suffix is omitted in a reference name.

In the office action (page 3), the examiner states:

"Hetzel does not teach the use of a pad on the helmet. **Grilliot** teaches pads 50 being placed on the inner portions of the helmet. It would have been obvious to one of ordinary skill in the art to modify the invention of Hetzel to provide the pads of **Grilliot** to provide a more comfortable helmet.

The examiner also used the **Grilliot** reference in the rejection of claims 2-3

However, the applicant **cannot** find any patent number or publication number or any other number ID for the 'Grilliot' reference anywhere in the office action including the Notice of References Cited. The name of Grilliot alone is **not** sufficient for the applicants to be able to address this rejection.

Moreover **37 CFR 1.104** requires that the patents cited by the examiner must include their numbers and dates and the names of the patentees/applicants along with the nationality or country if it is a foreign patent (see also MPEP 707.05).

Therefore, the applicants respectfully submit that this rejection is **unreasonable** and **improper** without any reference to a number or name that allows the applicants to identify Grilliot. In any event, the applicants respectfully submit that claims 2-4 are allowable for reasons similar to those discussed above with reference to claim 1.

For the reasons set forth above, the applicants respectfully submit that claims 1-4 pending in this application are in condition for allowance over the cited references. Accordingly, the applicants respectfully request reconsideration and withdrawal of the outstanding rejections and earnestly solicit an indication of allowable subject matter.

Application Serial No. 10/541,014
Reply to office action of June 12, 2008

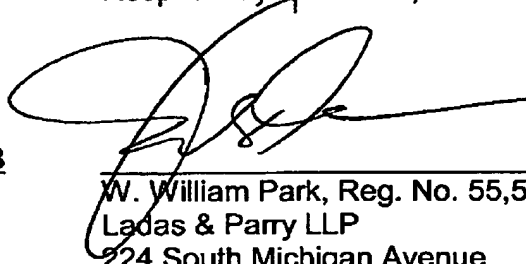
PATENT
Docket: CU-4290

This amendment is considered to be responsive to all points raised in the office action.

Should the examiner have any remaining questions or concerns, the examiner is encouraged to contact the undersigned attorney by telephone to expeditiously resolve such concerns.

Respectfully submitted,

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